

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

TONY FISHER,	)	CASE NO. 4:19-cv-1169
	)	
	)	
PLAINTIFF,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	ORDER
	)	
FEDERAL BUREAU OF PRISONS, et	)	
al.,	)	
	)	
DEFENDANTS.	)	

Before the Court is the motion of *pro se* plaintiff Tony Fisher (“Fisher”) for appointment of counsel (Doc. No. 28). There is no right to counsel in prisoner civil rights cases. *Bennett v. Smith*, 110 F. App’x 633, 635 (6th Cir. 2004) (citing *Glover v. Johnson*, 75 F.3d 264, 268 (6th Cir. 1996)). But district courts may “request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1). In deciding whether to appoint counsel, the district court should first determine whether the indigent’s<sup>1</sup> position “seems likely to be of substance” and, if so, “then consider the indigent’s ability to investigate the crucial facts, whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder, the indigent’s ability to present the case, the complexity of the legal issues and any special reason in that case why

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<sup>1</sup> Fisher’s motion to proceed *in forma pauperis* (Doc. No. 2) was granted (Doc. No. 7).

appointment of counsel would be more likely to lead to a just determination.” *Hodge v. Police Officers*, 802 F.2d 58, 61–62 (2d Cir. 1986).

While it appears that the plaintiff was effectively prosecuting this case, the Court finds that the assistance of an attorney will aid in the litigation of the claims that survived defendants’ motion to dismiss.

Accordingly, the Court grants Fisher’s motion and appoints Attorney Edward Icove to represent Fisher in this action, contingent upon and subject to Attorney Icove and Fisher entering into a mutually acceptable agreement regarding Attorney Icove’s representation of Fisher. If Attorney Icove and Fisher are able to arrive at such an agreement, Attorney Icove will enter an appearance on behalf of Fisher by November 6, 2020.

**IT IS SO ORDERED.**

Dated: October 2, 2020

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**